

Honolulu, Hawaii

APR 04 2014

RE: H.B. No. 1503  
H.D. 1  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 1503, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-  
TENANT CODE, "

begs leave to report as follows:

The purpose and intent of this measure is to void rental  
agreement provisions that allow for the eviction of a tenant who  
has a valid certificate for the medical use of marijuana unless:

- (1) The rental agreement allows for eviction for smoking  
tobacco and the medical marijuana is consumed by  
smoking; or
- (2) The articles of incorporation, declaration, bylaws,  
administrative rules, house rules, association  
documents, or similar documents of a condominium  
property regime or planned community association  
prohibit the medical use of marijuana.

Your Committee received testimony in support of this measure  
from the Office of Consumer Protection, Department of Commerce and  
Consumer Affairs; American Civil Liberties Union of Hawaii;  
Americans for Safe Access, Big Island Chapter; The Drug Policy  
Action Group; and one individual. Your Committee received  
comments on this measure from one individual.

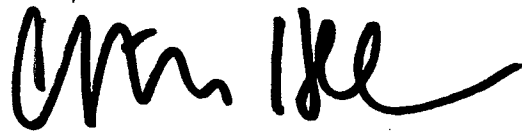


Your Committee finds that although this measure makes some important clarifications about the use of medical marijuana by a tenant with a valid certificate for the medical use of marijuana, it does not introduce any new rights for Hawaii tenants. Rather, this measure clarifies that if smoking tobacco is banned in a residential setting, then smoking medical marijuana is also banned. However, absent a ban on tobacco smoking, the use of medical marijuana is not banned per se under this measure.

Your Committee notes the concerns that this measure gives tenants with a valid certificate for the medical use of marijuana protection against eviction in any circumstances. However, your Committee finds that these concerns do not accurately reflect the intent of this measure. If a tenant fails to pay rent or otherwise violates a specific lease provision, this measure does not shield that tenant from an eviction process that is unrelated to the medical use of marijuana. Your Committee further finds that the use of medical marijuana by a tenant, as proposed by this measure, is not intended to supersede other provisions in a rental agreement, such as timely payment of rent.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1503, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,



CLAYTON HEE, Chair



The Senate  
Twenty-Seventh Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>HB 1503 HDISD</b>	Committee Referral: <b>CPN, JDL</b>	Date: <b>3/28/14</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
GALUTERIA, Brickwood	✓			
IHARA, Jr., Les				✓
SOLOMON, Malama				✓
SLOM, Sam				✓
TOTAL	4			3
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted         <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature:				
<b>Distribution:</b> <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

**\*Only one measure per Record of Votes**